

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEVEN A. MESTER,

Petitioner,

Civil No. 18-CV-12623

Honorable Terrence G. Berg

v.

STATE OF MICHIGAN,

Respondent.

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**OPINION AND ORDER DISMISSING PETITION FOR WRIT OF
HABEAS CORPUS WITHOUT PREJUDICE**

Petitioner Steven A. Mester is in the custody of the Indiana Department of Corrections serving a five-year sentence for operating a motor vehicle after forfeiture of license for life. He has filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging a detainer issued by the State of Michigan. The Court finds that the petition is duplicative of another case pending in this District and dismisses the petition without prejudice.

Approximately two months before he filed the pending petition, Petitioner filed another habeas petition in this Court. *Mester v. Michigan*, No. 18-11933. That first petition challenges the same detainer challenged in the pending matter and is identical in substance to the instant petition. “[A] a suit is duplicative if the claims, parties, and available relief

do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir. 1993) (internal quotation marks and citations omitted). A district court may dismiss a habeas petition when it is duplicative of another pending habeas petition. *See Davis v. U.S. Parole Commission*, No. 88-5905, 1989 WL 25837 (6th Cir. 1989); *Marks v. Wolfenbarger*, No. 2:06-cv-14325, 2006 WL 2850340, at *1 (E.D. Mich. Oct. 3, 2006). This petition is duplicative of the earlier-filed petition and shall be dismissed.

Accordingly, IT IS ORDERED that the petition (ECF No. 1) is DISMISSED WITHOUT PREJUDICE. Reasonable jurists would not debate the Court’s decision that the petition is duplicative of an earlier-filed petition and should be dismissed on that basis. The Court therefore DECLINES to grant a certificate of appealability under 28 U.S.C. § 2253(c)(2). *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED.

Dated: September 28,
2018

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed,
and the parties and/or counsel of record were served on
September 28, 2018.

s/A. Chubb

Case Manager